



State of West Virginia *Board of Medicine*

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MARK A. SPANGLER, MA
EXECUTIVE DIRECTOR

MEMORANDUM

TO: The Honorable Mac Warner
Secretary of State

FROM: Mark A. Spangler, Executive Director
West Virginia Board of Medicine *mas*

DATE: March 26, 2020

RE: Temporary Suspension of Certain Provisions of 11 CSR 1A

The West Virginia Board of Medicine is the state agency charged with protecting the health and safety of the public through licensure, regulation and oversight of medical doctors (MDs), podiatric physicians (DPMs), and collaborating physician assistants (PAs).

On March 16, 2020, the Honorable Governor of the State of West Virginia, Jim Justice, declared a State of Emergency to address the COVID-19 pandemic and delegated "to all state agencies the ability to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency."

On March 19, 2020, Governor Justice issued Executive Order 7-20, authorizing the suspension of certain regulations codified in the West Virginia Medical Practice Act, W. Va. Code § 30-3-1 *et seq.* and the West Virginia Physician Assistants Act, W. Va. Code § 30-3E-1 *et seq.* to suspend certain statutory provisions relative to the regulation of physician and physician assistant practice in West Virginia. On March 23, 2020, by way of Executive Order 10-20, Governor Justice amended the provisions of Executive Order 7-20, relating to the suspension of certain regulations related to physician practice in West Virginia.

In accord with the March 16, 2020 Emergency Proclamation and Executive Orders 7-20 and 10-20, the Board of Medicine respectfully requests that the following provisions of W. Va. Code R. § 11-1A-1 *et seq.* be temporarily suspended:

Rule Section	Temporary Suspension
11-1A-4.3	4.3. A completed application is considered by the Board at regular Board meetings. The Board will not consider an application or decide upon the issuance of a license to an applicant until the complete application, including all third-party documentation and/or verification, is on file with the Board and the Board has had at least fifteen days to review the application

11-1A-4.5.h.	4.5.h. An AMA biographical report;
11-1A-10.1	10.1. With the exception of an initial license, a license to practice medicine and surgery or to practice podiatric medicine and surgery is issued for a term of two years. An initial license is issued with an expiration date consistent with the applicant's renewal classification as set forth in subsection 10.2.
11-1A-10.2 (suspend only the strikethrough language)	10.2. License renewal for all licensed physicians whose last names begin with the letters "A" through "L" shall occur prior to July 1 of every even year. License renewal for all licensed physicians whose last names begin with the letters "M" through "Z" and all podiatric physicians shall occur prior to July 1 of every odd year.
11-1A-10.4 (suspend only the strikethrough language)	10.4. To avoid expiration, an eligible licensee shall seek to renew his or her license every two years by: 10.4.a. Completing and submitting an application approved by the Board; 10.4.b. Certifying that he or she has successfully completed all legally required continuing medical education for the preceding two-year period; and 10.4.c. Submitting the nonrefundable license renewal fee, as established by the Board.
11-1A-10.10 (suspend only the strikethrough language)	10.10. Upon request, the Board may renew the license of a physician or a podiatric physician who is licensed to practice in this state, but who is not currently practicing in West Virginia, as an inactive status license. An inactive status licensee shall not practice his or her profession in this state while maintaining an inactive status license.
11-1A-10.11 (suspend only the strikethrough language)	10.11. An inactive license may be obtained upon receipt of a nonrefundable fee, as established by 11 CSR 4, and submission of an application provided by the Board. An inactive license is valid for a term of two years, and is renewable.

Board of Medicine licensees are on the front line of the COVID-19 epidemic, and the Board is committed to seeking emergency measures to assist them as they work to protect and serve the citizens of West Virginia. These temporary rule suspensions will facilitate protection of the public by encouraging provider surge and reducing regulatory strain on providers and government during the state of emergency. Additionally, half of all West Virginia doctors hold a license which is scheduled to expire on June 30, 2020. These temporary rule suspensions, in conjunction with Executive Order 7-20, as amended by Executive Order 10-20, will permit the Board to extend licenses set to expire on June 30, 2020 and the associated renewal period.

Thank you for your time and attention to this request. If granted, the Board of Medicine further requests that the identified rule provisions be suspended until the State of Emergency is lifted.